

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE INCLUSIVE COMMUNITIES
PROJECT, INC.,

Plaintiff,

vs.

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

Defendant.

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NO. 3:07-CV-0945-O

**ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE**

Under authority of 28 U.S.C. § 636(b), this case was referred to Magistrate Judge Jeff Kaplan for pretrial management on October 1, 2008. Doc. # 20. Among the matters then before the Magistrate Judge was a pending Motion to Dismiss for Lack of Jurisdiction filed by Defendant on October 2, 2007, Doc. # 8, together with Plaintiff's Response, and attendant documents from both parties. *See* Doc. # # 9, 11 - 14, 16, 17. On July 20, 2009, Magistrate Judge Kaplan issued his Findings and Recommendations set out in a thorough written opinion. *See* Doc. # 22. He recommended that Defendant's Motion to Dismiss should be granted on the ground of sovereign immunity with respect to Plaintiff's claims for alleged violations of the United States Housing Act of 1937, 42 U.S.C. § 1437, but denied on all other grounds argued.

The Court now has it before the foregoing documents and records of proceedings, as well as Defendant's Objections to Magistrate Judge Kaplan's Findings and Recommendations, Doc. # 33, and Plaintiff's Response, Doc. # 34. After conducting a review *de novo*, in accordance with 28 U.S.C. § 636(b)(1)(C), of the pleadings, files and records in this case, the Findings and Recommendations of the Magistrate Judge, and the objections thereto, the Court is of the opinion that the findings, conclusions and recommendations of the Magistrate Judge as set out in his opinion are correct. They are accepted as the findings and conclusions of the Court.

SO **ORDERED** this 29th day of September, 2009.


Reed O'Connor
UNITED STATES DISTRICT JUDGE